



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 22041

December 21, 2018

MuckRock News
DEPT MR 62298
411A Highland Ave
Somerville, MA 02144-2516

Re: FOIA 2019-2130

Dear Mr. Hoppock,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek information regarding disciplinary action taken against Board of Immigration Appeals members.

Since 2013, complaints have been filed against eight Board members. However, only one of those complaints resulted in disciplinary action. That complaint also resulted in the Board member being banned from entering into the building.

As the public interest in complaints that were not substantiated or did not result in disciplinary action is low, and the dearth of responsive records would make it difficult to adequately protect the identity of the respondents, those seven complaints are being withheld pursuant to 5 USC § 552(b)(6) to avoid an unwarranted invasion of personal privacy.

EOIR would normally release a redacted version of complaints that resulted in disciplinary action. Redacting the identity of the respondent allows EOIR to inform the public about the details of the complaint while minimizing the risk of an unwarranted invasion into personal privacy. However, as in this instance there is only ONE responsive record, redacting the complaint would not adequately protect the identity of the respondent. Therefore, this file is likewise withheld pursuant to 5 USC § 552(b)(6) to avoid an unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph Schaaf

Joseph R. Schaaf
Chief Counsel for Administrative Law